

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK MCCARTHY,

Plaintiff,

Case No. 06-10136

v.

Hon. John Corbett O'Meara

LYNN M. GALLAGHER, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF'S OBJECTION TO
OPINION AND ORDER DATED JUNE 28, 2006**

Before the court is Plaintiff's objection to the court's June 28, 2006 opinion and order.

The court will construe Plaintiff's objection as a motion for reconsideration. Pursuant to Local Rule 7.1(e)(2)(E.D. Mich. Sept. 8, 1998), no response was ordered and no oral argument was heard.

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(g)(3). A "palpable defect" is a defect that is obvious, clear, unmistakable, manifest, or plain. Michigan Dep't of Treas. v. Michalec, 181 F. Supp.2d 731, 734 (E.D. Mich. 2002) (citations omitted).

Having filed a motion that merely reargues issues already ruled upon by the court, the court finds that Plaintiff has not demonstrated a "palpable defect" by which the parties or the court have been misled.

Therefore, IT IS HEREBY ORDERED that Plaintiff's July 7, 2006 objection to opinion and order, dated June 28, 2006 [docket # 89], is DENIED.

s/John Corbett O'Meara
UNITED STATES DISTRICT JUDGE

Dated: October 19, 2006

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 19, 2006, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager